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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 LOLITO BADILLA,

11 Plaintiff,

12 CASE NO. C16-0838-JLR-MAT

13 v.

14 CAROLYN W. COLVIN, Acting
15 Commissioner of Social Security,

16 Defendant.

17 REPORT AND RECOMMENDATION

18 Plaintiff brought this action to seek judicial review of the denial of an application for
19 disability benefits by the Commissioner of the Social Security Administration. The parties now
20 stipulate this case should be reversed and remanded for further proceedings. (Dkt. 13.)

21 Based on the stipulation of the parties, the Court recommends this case be REVERSED
22 and REMANDED for a *de novo* hearing and further administrative proceedings pursuant to
23 sentence four of 42 U.S.C. § 405(g). On remand, the Appeals Council will first determine
whether the record supports disability. If further development is warranted, the Appeals Council
will remand the case to the Administrative Law Judge to offer plaintiff a new hearing; consider
the evidence submitted to the Appeals Council; reevaluate plaintiff's heart impairment and

REPORT AND RECOMMENDATION
PAGE - 1

1 mental impairment; reevaluate plaintiff's symptoms; reassess the residual functional capacity;
2 and further determine whether plaintiff could perform his past relevant work. Also, upon proper
3 presentation, this Court will consider plaintiff's application for attorney fees, costs, and expenses.

4 The Court recommends that United States District Judge James L. Robart immediately
5 approve this Report and Recommendation and order the case REVERSED and REMANDED for
6 further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A proposed
7 order accompanies this Report and Recommendation.

8 DATED this 1st day of December, 2016.

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11 Mary Alice Theiler
United States Magistrate Judge
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